

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE MIGUEL DE LA CRUZ,

Plaintiff,

v.

OSCAR GALLOWAY, et al.,

Defendants.

Case No. 1:20-cv-00997-DAD-EPG (PC)

ORDER GRANTING PLAINTIFF'S
SECOND MOTION FOR EXTENSION OF
TIME TO FILE A RESPONSE TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT (FINAL
EXTENSION)

(ECF No. 51)

Jose Miguel Da Le Cruz ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On May 13, 2022, Defendants filed a motion for summary judgment. (ECF No. 42). On May 31, 2022, Plaintiff filed a motion for an extension of time, asking for an additional sixty days to file a response. (ECF No. 45). Plaintiff's motion was granted, and Plaintiff was given until August 15, 2022, to file his response. (ECF No. 46). In granting the motion, the Court informed Plaintiff that if he "needs an additional extension of time to file his response due to lack of access to the law library, he should include evidence regarding his attempts to access the law library or paging services, as well as the Institution's response(s) to his request(s), with his motion for an extension of time. If Plaintiff fails to include such evidence, the Court may deny Plaintiff's motion." (*Id.* at 2).

On August 4, 2022, Plaintiff filed a second motion for an extension of time. (ECF No. 51).

1 Plaintiff states that that Facility "A" at California State Prison, Sacramento, has been on
2 continuous modified and lockdown program due to COVID-19 outbreaks and staff assaults (from
3 July 1, 2022, through July 22, 2022, there were nine batteries on custody staff). Prison personnel
4 are not readily made available due to staff shortages, which has been caused in part by the
5 batteries. Plaintiff has not been granted continuous access to the law library because prison
6 personnel have refused to let Plaintiff attend his law library priority ducats. Plaintiff asks for a
7 ninety-day extension of time.

8 The Court finds good cause to grant Plaintiff's motion. However, given that this is
9 Plaintiff's second extension, and that the Court is granting a ninety-day extension, no further
10 extensions of this deadline will be granted.

11 Accordingly, IT IS HEREBY ORDERED that Plaintiff has until November 14, 2022, to file
12 his response to Defendants' motion for summary judgment. No further extensions of this
13 deadline will be granted.

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15 IT IS SO ORDERED.

16 Dated: August 8, 2022

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE
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